

**Arcamo, Judith**

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**From:** Alisa Brewer [avbrewer@comcast.net]  
**Sent:** Monday, February 22, 2010 1:58 PM  
**To:** Arcamo, Judith  
**Cc:** Select Board; Musante, John  
**Subject:** Fwd: Chapter 26 of the Acts of 2010 AN ACT RELATIVE TO THE COLLECTION OF UNPAID MUNICIPAL FINES

Hi Judith-

Would you please put this email, and the printed out attachments, in the pile of "things to be copied for the March 1, 2010 Select Board meeting, included in the online packet materials, and mailed to the Select Board with the Agenda for March 1, 2010"?

Thanks!

Take care,  
Alisa

Begin forwarded message:

**From:** "Select Board" <SelectBoard@amherstma.gov>  
**Date:** February 22, 2010 1:49:24 PM EST  
**To:** "Weiss, Gerald" <WeissG@amherstma.gov>, "Brewer, Alisa" <avbrewer@comcast.net>, <stephanie@okeeffe.com>, <dstein@mtholyoke.edu>, "Shaffer, Larry" <ShafferL@amherstma.gov>, "Hayden, Aaron" <aahayden@amherst.edu>  
**Subject:** FW: Chapter 26 of the Acts of 2010 AN ACT RELATIVE TO THE COLLECTION OF UNPAID MUNICIPAL FINES

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**From:** [sjokeeffe@gmail.com](mailto:sjokeeffe@gmail.com) on behalf of Stephanie O'Keeffe[SMTP:[STEPHANIE@OKEEFFE.COM](mailto:STEPHANIE@OKEEFFE.COM)]  
**Sent:** Monday, February 22, 2010 1:49:47 PM  
**To:** Select Board  
**Cc:** Musante, John; Pacunas, Kristopher  
**Subject:** Re: FW: Chapter 26 of the Acts of 2010 AN ACT RELATIVE TO THE COLLECTION OF UNPAID MUNICIPAL FINES  
**Auto forwarded by a Rule**

Alisa --

Larry is stuck out of town by weather and won't be at our meeting tonight. Would you mind if we put this on the agenda for next week?

Stephanie

On Mon, Feb 22, 2010 at 1:42 PM, Select Board <SelectBoard@amherstma.gov> wrote:

**From:** Alisa Brewer[SMTP:AVBREWER@COMCAST.NET]

**Sent:** Monday, February 22, 2010 1:43:27 PM

**To:** Select Board

**Cc:** Musante, John; Pacunas, Kristopher

**Subject:** Chapter 26 of the Acts of 2010 AN ACT RELATIVE TO THE COLLECTION OF UNPAID MUNICIPAL FINES

**Auto forwarded by a Rule**

Hi Larry-

I plan to bring this up during your Town Manager's report tonight, Monday February 22, 2010, to ask the Select Board to ask you to work on this in time for Annual Town Meeting 2010:

<http://www.mass.gov/legis/laws/seslaw10/sl100026.htm>

Section 4. The adoption of procedures for the payment of certain municipal fines under this chapter shall be by majority vote of the city council or town meeting.

Section 6. A municipality shall appoint a municipal hearing officer. The officer shall hear appeals of violation notices issued within the municipality. The municipal hearing officer may be the same person appointed as a municipal hearing officer pursuant to chapter 148A. {see previous email, below}

Section 17. All fines, penalties or assessments in actions under this chapter shall be paid to the general fund of the municipality.

Section 18. In a municipality that has accepted this chapter, this chapter shall supersede any local ordinances or by-laws to the contrary.

Per MMA (see attached) I see this just went into effect Feb 10, 2010:

Chapter 26 of the Acts of 2010 AN ACT RELATIVE TO THE COLLECTION OF UNPAID MUNICIPAL FINES. The MMA announcement:

<http://www.mma.org/local-aid-and-finance/4411-new-law-expands-municipal-fine-authority>

included these statements:

"On Feb. 10, Gov. Deval Patrick signed legislation that expands local authority to collect unpaid fines, specifically those issued for violations of local statutes regulating sanitation, housing, and snow and ice removal."

"Cities and towns have had no recourse for collecting these types of unpaid fines except to file suit in Housing Court for each unpaid ticket."

So: what kind of timeframe do we need to have Town Counsel look over the Amherst fines covered by this Act that \*aren't\* snow & ice removal from sidewalks, so that we could still accept this legislation at Annual Town Meeting? Or maybe at a Special during a regular Town Meeting session? I think people want to see us taking advantage of every tool the state allows us. I wonder if the Rental Registration bylaw could be enforced (if we had the personnel, of course) under this legislation, without having to go to land court? What about fines for sanitation/garbage all over the property situations? Or the Nuisance House bylaw?

So we can talk about this briefly tonight, I presume.

Take care,  
Alisa

p.s. I copied Kris because I suspect that you're all going to see more than the (4) attachments (all .pdf) I've placed here:-)

.....{previous email referenced above re: 148A municipal hearing officer}

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